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2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 SCOTT ALLEN DIETER,  
7  
8 v.  
9 STATE OF NEVADA, *et al.*,  
10 Respondents.

Petitioner,

Case No. 3:21-cv-00241-MMD-WGC

ORDER

11 Petitioner Scott Allen Dieter, a Nevada state prisoner proceeding *pro se*,  
12 commenced this action by filing a Petition for Writ of Habeas Corpus (ECF No. 1-1). This  
13 habeas matter is before the Court on Dieter's Application for Leave to Proceed *In Forma*  
14 *Pauperis* ("IFP") (ECF No. 1) and Motion for Appointment of Counsel (ECF No. 1-2). For  
15 the reasons discussed below, Dieter's IFP Application is denied, Dieter is instructed to pay  
16 the filing fee within 30 days, and the Court defers consideration of his Motion for  
17 Appointment of Counsel and initial review under the Rules Governing Section 2254 Cases.

18 Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00  
19 filing fee is required to initiate a habeas action in a federal district court. The Court may  
20 authorize a person to begin an action without prepaying fees and costs if the person  
21 submits an IFP application on the approved form along with the appropriate supporting  
22 documentation. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Here, although Dieter  
23 submitted the required form, the supporting documents show he is able to pay the \$5.00  
24 filing fee. Thus, Dieter does not qualify for a fee waiver. The Court therefore denies his  
25 IFP application. Dieter has 30 days from the date of this order to have the filing fee sent  
26 to the Clerk of Court.

27 It is therefore ordered that Petitioner's Application for Leave to Proceed *In Forma*  
28 *Pauperis* (ECF No. 1) is denied.

1 It is further ordered that the initial screening of Dieter's Petition for Writ of Habeas  
2 Corpus (ECF No. 1-1) and consideration of Dieter's Motion for Appointment of Counsel  
3 (ECF No. 1-2) is deferred until such time as he has fully complied with this order.

4 It is further ordered that Dieter must pay the \$5.00 filing fee within 30 days of the  
5 date of entry of this order.

6 The Clerk of Court is directed to mail Dieter two copies of this order. Dieter must  
7 make the necessary arrangements to have a copy of this order attached to the check for  
8 the filing fee.

9 Failure to timely comply with this order will result in the dismissal of this action  
10 without further advance notice.

11 DATED THIS 1<sup>st</sup> Day of July 2021.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE